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Report of the Secretary-General on the situation in Abyei

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1990 (2011), in which the Council requested me to report on the implementation of the Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area (S/2011/384, annex), signed on 20 June 2011 in Addis Ababa. The report provides an update on the situation in Abyei and on the deployment and operations of the United Nations Interim Security Force for Abyei (UNISFA) since my previous report of 29 September 2011.

II. Security situation

2. During the reporting period, the security situation in the Abyei Area remained calm but unpredictable, owing to the presence of armed forces, the start of the Misseriya migration and the lack of large-scale returns of displaced persons. As at 23 November, Government of the Sudan armed forces and police remained present in the area north of the Kiir/Bahr el-Arab River. The Sudan People's Liberation Army (SPLA) redeployed from the Area as of 9 November, re-establishing its brigade headquarters in Mijan Kol, approximately 3 km south of Agok and the Abyei Area boundary. However, the South Sudan Police Service remains in the Area and individual members of SPLA continue to be observed, owing to the proximity of the SPLA position to the boundary and Agok market. The Government of the Sudan continues to link its withdrawal to other provisions of the 20 June Agreement, including the establishment of the Abyei Area Administration, while the Government of South Sudan has stated it will fully withdraw at the same time as the Sudanese Armed Forces withdraw.

3. With the onset of the dry season, road conditions have significantly improved, enhancing the visibility and security presence of UNISFA. UNISFA is conducting regular air and ground patrols and establishing company and temporary operating bases in critical areas to enhance its mobile and static monitoring capabilities. To date, company operating bases have been established in Abyei town, Diffra and Agok and temporary operating bases in Todach, Um Khariet, Banton, Noong, Anthony and Rumamier. UNISFA is also conducting regular visits to population centres and engaging in liaison with local communities.

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4. The access of UNISFA to the entire area of operations has been enhanced by the construction, completed on 28 October, of a new bailey bridge to replace the Banton bridge destroyed during the conflict in May 2011. The new bridge was provided by the Government of Ethiopia and constructed by Ethiopian engineers. During his visit to the Abyei Area on 31 October, the Under-Secretary-General for Peacekeeping Operations opened the bridge, which is an important crossing point between Abyei town and Agok and will facilitate the return of internally displaced persons, humanitarian access, the operations of UNISFA and commercial transport.

5. The annual Misseriya migration southwards through the Abyei Area commenced during the reporting period, with initial approaches into the Diffra and Um Khaer areas in late October. On 1 November, Misseriya elements with approximately 2,000 head of cattle reached Goli, 25 km north of Abyei town. On 15 November, a further 150 cattle were sighted in Abyei town.

6. Given the ongoing presence of armed forces, the lack of large-scale returns of displaced persons and the diminishing prospects for a second planting season, there is a risk of outbreaks of violence during the migration period. UNISFA is therefore taking proactive measures to provide security for the migration and returns and is engaging with the Misseriya leadership for them to reconsider the speed of the migration. UNISFA is also engaging with all groups to stress that armed elements should not enter Abyei, after 160 nomads, more than 30 of whom were armed with AK-47s and on motorcycles, travelled from Diffra to Abyei on 20 November, entering the Sudanese Armed Forces camp and returning to Diffra the same day.

7. As at 14 November, more than 100 unexploded ordnance and mines had been recovered and disposed of by UNISFA from locations in Banton and Todach and on the road between Abyei town and Rumamier. Unfortunately, despite engagement with the Governments of the Sudan and South Sudan by UNISFA, neither party has provided maps of mine locations. However, on 15 November SPLA dispatched a demining team to show UNISFA its likely mined areas. The identification and clearance of mines is urgently needed to facilitate the return of internally displaced persons and the safety of the upcoming migration period, as well as the operations of the Force, which must currently pre-clear all patrol routes of mines. The United Nations Mine Action Service is ready to deploy a team to the Abyei Area to support UNISFA and ensure that international standards of clearance and safety are met, pending visa approvals.

III. Political developments

8. During the reporting period, very little progress has been made in the implementation of the 20 June Agreement on the Abyei Area. The African Union High-level Implementation Panel, led by Thabo Mbeki, continued to engage both parties in this regard, supported by my Special Envoy for the Sudan and South Sudan, Haile Menkerios, the UNISFA Head of Mission, Lieutenant General Tadesse Werede Tesfay, and international partners.

9. The 20 June Agreement on the Abyei Area committed the parties to the establishment of the Abyei Area Administration, led by a Chief Administrator nominated by the Government of South Sudan and agreed to by the Government of the Sudan, and a Deputy Chief Administrator nominated by the Government of the Sudan and agreed to by the Government of South Sudan. The parties have also

agreed that the Chair of the Legislative Council for Abyei would be a nominee of the Government of the Sudan. Unfortunately, progress towards the establishment of these bodies has been considerably delayed due to reservations by the Government of South Sudan in relation to the nominations by the Government of the Sudan. Following engagement with the parties by the African Union High-level Implementation Panel to address the impasse, on 1 November the Government of the Sudan nominated to the position of Chair of the Legislative Council a Misseriya from the greater Abyei area, who is well known to the Government of South Sudan from his tenure as Deputy Administrator of the Abyei Area. The Government of South Sudan has not yet officially responded to this new proposal, or concerning the Deputy Chair designated by the Government of the Sudan for the Abyei Area Administration.

10. The Abyei Joint Oversight Committee did not meet during the reporting period, initially due to the intention of the Government of the Sudan to replace its Co-Chair on the Committee. On 25 October, First Vice-President of the Sudan, Ali Osman Taha, officially designated Alkheir Alfaheem Almaki as the new Co-Chair of the Committee. However, efforts to convene a meeting of the Committee thereafter have not been successful.

11. Further to the agreement of 30 July to establish a Border Monitoring Support Mechanism, the parties are considering an operational map submitted to them by the African Union High-level Implementation Panel, proposing a "temporary redeployment line". It is expected that the Joint Political and Security Mechanism will meet soon to discuss further details relating to the establishment of the Border Mechanism, which is critical in de-escalating increasing tensions along the border.

IV. Humanitarian situation

12. During the reporting period, the humanitarian community in South Sudan continued to support approximately 110,000 persons displaced from Abyei in Agok and in Warrap State, South Sudan. In addition to food from its own pipeline, the World Food Programme and its partners distributed about 177 tons of food contributed by the Government of South Sudan. The replacement of the Banton bridge has improved conditions for the returns process and the movement of the humanitarian community, facilitating the return of an estimated 50 families to Mijak, approximately 10 km north-east of Agok. In addition, an average of 16 displaced persons are crossing the bridge on a daily basis to view their property.

13. Large-scale returns to Abyei town and its surrounding areas have not yet started, however, owing to the ongoing presence of the Sudanese Armed Forces in the Abyei Area, the lack of a civilian administration and the fear of landmines. In the meantime, UNISFA and United Nations organizations have met with representatives of the Ngok Dinka community to discuss preparations for returns. An Ngok Dinka delegation toured Abyei on 3 November to take stock of the level of destruction. On 10 November, UNISFA and the Ngok Dinka community leaders conducted a joint assessment of the security situation in prospective villages for returns of displaced persons in Noong, Makir, Dokura, Todach and Um Khariet.

14. Following the extremely heavy rains experienced in Agok during September, the humanitarian situation in the town and its vicinity has stabilized. Improved access by road has facilitated the sustained delivery of humanitarian supplies to

Agok from South Sudan. The health community has reported that the number of consultations in outpatient facilities has doubled during the reporting period, suggesting that there has been some population movement into Agok from the south. The health situation of the displaced community and host communities remains stable however.

15. On 30 October, UNISFA visited Rumamier, approximately 35 km south-east of Abyei town just north of the Kiir/Bahr el-Arab River, where they observed a large number of civilians in the village, who reportedly did not leave the area following the May 2011 violence. The current population within Rumamier and the surrounding area is estimated to be 10,000, including internally displaced persons. Pending the arrival of United Nations Mine Action Service personnel, UNISFA has cleared the road to Rumamier of landmines and unexploded ordnance to allow the humanitarian community to conduct assessments and provide assistance. UNISFA has also established a company operating base in the vicinity of Rumamier to enhance security for the area.

V. Protection of civilians

16. In accordance with Security Council resolution 1990 (2011), which authorized UNISFA to protect civilians in the Abyei Area under imminent threat of physical violence, UNISFA is working to address protection concerns throughout the area of operations. From its bases in Diffra, Agok, Todach and Banton, UNISFA is helping to ensure a safe and secure environment by actively patrolling and escorting population movements when required. The mission is also working to open up routes and access to previously inaccessible villages where population centres exist. Meanwhile, the humanitarian community is engaged in the monitoring of protection risks, facilitation of the returns process and advocacy and support for vulnerable groups, including women and children associated with armed groups.

17. In preparation for the specific protection challenges arising from the migration season, UNISFA has readjusted its deployment positions to ensure rapid response and containment of conflicts to local areas. With the deployment of a second battalion of Ethiopian troops, the first battalion and the quick reaction force have redeployed in company strength to operating bases in Abyei town, Banton, Agok and Rumamier in the southern sector and each sector has been reinforced with one tank company and one field artillery battery. UNISFA is also working to mitigate tensions over resources, within its capacities, including through early warning and the interposition of forces between groups where required.

18. In this regard, the Head of Mission continues to engage with key leaders of the Misseriya community in El Muglad and the Ngok Dinka community in Agok to obtain commitments for a peaceful conduct of the migration season, as well as the dignified and voluntary return of internally displaced persons. In a meeting in El Muglad on 1 November, the Misseriya leadership underscored its support for returns and readiness for dialogue with the Ngok Dinka, under the auspices of UNISFA. The Ngok Dinka community has also expressed its willingness to coordinate with UNISFA with a view to mapping pastoral migration routes and securing the voluntary returns of internally displaced persons in villages along the north bank of the Kiir/Bahr el-Arab River.

19. On 30 October, following negotiations between the Head of Mission and the Sudanese Armed Forces in Abyei, a total of 22 civilians who had been detained by the Sudanese Armed Forces during the violence of May 2011 were released. The group comprised 9 males and 13 females, 2 of whom were children. UNISFA subsequently transported all of the detainees to locations in Abyei, South Sudan and the Sudan, in accordance with their stated preferences. Unfortunately, on 10 November, three of the group who chose to travel to Khartoum were taken into the custody of Military Intelligence at Kadugli airport for questioning. Further to engagement with the local authorities by UNISFA, the three individuals were released on 26 November.

20. Further to paragraph 10 of resolution 1990 (2011), which requested me to ensure that effective human rights monitoring is carried out in Abyei, the Office of the United Nations High Commissioner for Human Rights (OHCHR) is consulting with the Governments of the Sudan and South Sudan on the modalities for implementation of this mandate. The outcome of these consultations will be presented in my next report. At present, OHCHR is not in a position to provide a full and complete assessment pertaining to allegations of human rights violations committed during the May 2011 attack in Abyei, because of a lack of access to the Abyei Area.

VI. Deployment of the United Nations Interim Security Force for Abyei

21. During the reporting period, the deployment of UNISFA proceeded with the arrival of a second battalion of 857 troops and a quick reaction force motorized company of 175 personnel by 12 October. As at 14 November, 2,872 troops had been deployed, that is, 68 per cent of the authorized strength of 4,200. The second battalion relieved members of the first battalion stationed in the Kadugli logistics base and deployed at company strength at operating bases in Diffra, Todach and Akobila/Um Khariet, in the northern sector. The battalion will become fully operational with the arrival of its contingent-owned equipment in the mission area by the end of November. UNISFA plans to deploy a third battalion by the end of December, to increase its capacity to mitigate tensions in the Abyei Area. Meanwhile, UNISFA medical facilities have been established, including six level I clinics, one level II hospital and aero-medical evacuation provided by two dedicated contracted helicopters.

22. Plans are also in place for the deployment of the UNISFA authorized police component of 50 international police officers to support the Abyei Police Service, once the Abyei Area Administration is established. Two police advisers from the United Nations standing police capacity have deployed to UNISFA to conduct planning on the ground, interact with relevant stakeholders and support the engagement of communities in relation to protection and community safety initiatives. The full component will deploy in the first quarter of 2012, subject to establishment of the Abyei Area Administration.

23. The recruitment of international and national civilian staff is also ongoing and it is estimated that 70 per cent of the mission's civilian capacity will be deployed by the end of 2011. However, the mission continues to face delays in the issuance of visas and serious difficulties in the deployment of its civilian personnel from

Khartoum to Abyei, through Kadugli. Meanwhile, UNISFA continues to recruit staff for deployment to the Regional Support Centre in Entebbe, Uganda, where it expects to reach full strength by the end of the financial year.

VII. Mission support

24. During the reporting period, the rainy season abated significantly, enabling the re-establishment of road access from Kadugli to Abyei. This road still requires repairs, however, due to significant damage caused by the rain. Road access from Abyei to Wau has also been re-established since 31 October with the replacement of the Banton bridge. Work is ongoing to conduct repairs to priority roads linking major population sites and humanitarian lines of communication and to repair existing camp infrastructure and facilities in the Abyei camp. Initial work has also commenced at new sites for the establishment of company operating bases, pending formal land-use agreements. It has not yet been possible to complete memorandums of understanding in relation to land usage, in the absence of an Abyei Area Administration or the return of traditional leaders to their lands in the Abyei Area.

25. Efforts also continued to address the accommodation shortfall in Abyei during the reporting period. The second battalion is currently accommodated in tents in their company operating bases and in hard-walled accommodation in the Kadugli transit camp. With the exception of personnel in Abyei, Diffra and Agok, the bulk of the force will remain in tents until hard-walled accommodation has arrived from the liquidation of UNMIS and is erected. The delivery of this accommodation is dependent on the authorization of convoys from El Obeid to Abyei via Kadugli and the availability of engineers to prepare the ground and construct the camps.

26. The Government of the Sudan has not yet formalized the transfer of the Kadugli logistics base from UNMIS to UNISFA. However, with the liquidation of UNMIS, UNISFA has taken over responsibility for guarding the camp and United Nations assets and has taken possession of fuel infrastructure and reserve stocks. During the reporting period, UNISFA began receiving United Nations-Owned-Equipment from UNMIS. On 21 October, approval was granted for 280 containers to move from El Obeid to Kadugli. However, movement of the containers remains delayed by local authorities. Meanwhile, delivery of fresh rations is being conducted through Kenya and Mombasa by a UNISFA contractor, as the Government of the Sudan has not cleared rations through Port Sudan.

27. Further to constructive discussions in New York on 26 September, negotiations are ongoing with the Governments of the Sudan and South Sudan towards the signature of a status of forces agreement. Pending resolution of a small number of outstanding issues with the Government of the Sudan, it is expected that the text will be finalized shortly.

VIII. Observations

28. Five months after the establishment of UNISFA, I am encouraged that more than two thirds of the authorized troops are on the ground and the mission is in a position to secure the Abyei Area. The United Nations and the Government of

Ethiopia have done everything possible to ensure the timely deployment of the mission, which has happened significantly more quickly than is usually the case.

29. I am deeply concerned, however, that the parties have yet to live up to their commitments under the 20 June Agreement on the Abyei Area. The continued presence of security forces from both sides, particularly the Sudanese Armed Forces positions in the Area, pose a threat to the safe migration of Misseriya nomads, who have already entered the Area, and the return of Ngok Dinka refugees. The situation is untenable and adds to the already considerable tensions between the two countries.

30. I therefore reiterate my urgent call on the two Governments to withdraw their forces immediately from the Area and demonstrate the political will necessary to reach a compromise on the outstanding issues related to the establishment of the Abyei Administration and Legislative Council. I call on Presidents Bashir and Kiir in particular to ensure that their Governments provide full cooperation to the African Union High-level Implementation Panel and to my Special Envoy for the Sudan and South Sudan, towards the implementation of the Agreement on the Abyei Area and the search for a solution to the final status of Abyei.

31. The security situation is especially worrying in light of the annual southward migration of Misseriya nomads through the Abyei Area, which has already commenced. Given existing tensions between the Ngok Dinka and Misseriya communities, frustrations over the continuing presence of armed forces and the lack of large-scale returns of displaced persons and the fact that the Misseriya will be crossing an international border, I am concerned that this year's migration will be particularly sensitive. UNISFA is already making every effort to provide security and help to mitigate tensions between communities. It is incumbent on the Governments of the Sudan and South Sudan, however, to establish conditions for a peaceful migration, not only through Abyei but throughout their common border. Dialogue between the communities on the sharing of resources and minimization of arms is also essential and must be encouraged by all stakeholders.

32. In this context, it is clear that while UNISFA is already making strides to implement its mandate, the continuation and consolidation of its presence will be essential to build on its achievements and help stabilize Abyei. I therefore recommend to the Council the renewal of the mission's mandate for a further period of six months. For the potential of UNISFA to be maximized, it is imperative that the Governments of the Sudan and South Sudan demonstrate their commitment to the creation of an enabling environment for the mission.

33. I am also greatly concerned by the broader political context, defined by a lack of progress on pending issues, ongoing fighting in Southern Kordofan and Blue Nile States, reported military build-ups by both countries along the border, reports of aerial bombardments in border areas and accusations of support to opposition armed groups. Heightened tensions along the border risk drawing the two countries into direct clashes. It is imperative that the Governments of the Sudan and South Sudan do everything possible to stop the hostile rhetoric, prevent military confrontation and recommit to addressing outstanding issues through political dialogue. In this connection, I urge them to work with the African Union High-level Implementation Panel and my Special Envoy, in good faith, in order to make concrete progress on pending issues.

34. In this context, the establishment of the joint border monitoring mechanism agreed by the parties on 29 June and 30 July, including a 20-km-wide demilitarized border zone, is essential to help address existing tensions and restore confidence. The African Union High-level Implementation Panel is working with the parties to reach agreement on these issues. I urge the parties to make the compromises necessary for an agreement on the mapping of the border zone and locations for the monitoring mechanism. I remain committed to providing the full support of the United Nations to assist them in implementing the mechanism.

35. In closing, I would like to thank the Prime Minister of Ethiopia, Meles Zenawi, for his ongoing engagement and the commitment of his Government to UNISFA. I also commend the African Union High-level Implementation Panel, led by Thabo Mbeki, for its ongoing and intensive efforts to facilitate the negotiation of the outstanding issues between the Sudan and South Sudan, with my Special Envoy for the Sudan and South Sudan, Haile Menkerios. In addition, I express my appreciation to Head of Mission, Lieutenant General Tadesse Werede Tesfay, and the staff of UNISFA for their proactive efforts to enhance security, support the return of displaced persons and facilitate a smooth Misseriya migration season under very challenging circumstances.